

**Task Force on Countering Disinformation
Little America Hotel and Conference Center
Meeting Minutes: October 24, 2019**

Members attending: Aaron Nash (Chair), Hon. Bradley Astrowsky, Fredric Bellamy, Pete Dunn, Jessica Fotinos, Dawn Gilpin, Eduard Goodman, Joe Hengemuehler, Patience Huntwork, Hon. Todd Lang, Krisanne LoGalbo, William Long, Scott Ruston, Deborah Schaefer

Absent: David Bodney, Hon. Donald Watts

Guests: Elizabeth Rindskopf-Parker

AOC staff: Alicia Moffatt

1. Call to order, administrative notes, introductions. The Chair called the first meeting of the Countering Disinformation Task Force to order at 12:10 p.m.

The Chair welcomed and thanked the members for their participation and reviewed administrative notes about Task Force participation. Minutes will be taken and circulated. Personal attendance is encouraged but appearing remotely or by proxy are options. Review materials before meetings. Email materials to AOC staff at least one week before meetings.

Chief Justice Brutinel thanked the members for their participation on this Task Force. The Chief Justice noted that this Task Force is unique in its membership and charge, as most committees deal primarily with court rules and procedures. He encouraged the members to draw from their own expertise and to consider the input of other experts in developing a comprehensive set of recommendations to guide Arizona's courts in addressing the issue of disinformation, while maintaining public debate, in an effort to maintain public trust and confidence in the justice system.

The Chair thanked the Chief Justice for his remarks, then invited the members and staff to introduce themselves, their backgrounds, and their interests in serving on the Task Force.

2. Subject matter expert presentation: Background, guiding thoughts, discussion. The Chair introduced Elizabeth Rindskopf-Parker. Elizabeth was the closing plenary speaker for the conference that immediately preceded the Task Force meeting. Her session introduced the topic of disinformation for the first time to many in the judicial branch. She provided a brief history of disinformation campaigns, what activities are trending now, and what activities the public might expect in the future.

When addressing the Task Force, Mrs. Parker provided more detail and background on efforts taking place in academic and legal communities, asked questions of the members and provided suggested paths forward. She stated that Arizona's Task Force might be the first of its kind, that a template to share with others for countering disinformation in the justice system is needed, and that she hopes this Task Force can provide that.

Mrs. Parker and the members discussed types of court matters that are more prone to divisiveness and that the Task Force's recommendations should protect criticism and debate while countering disinformation. Mrs. Parker noted that viral messages grow exponentially, and speed is key in responding to disinformation. Practices currently in place or that could be considered:

Partnerships: a bar association or other steering committee of a small and diverse group of individuals can quickly respond to disinformation. The media may have an interest in preserving its reputation for reporting and combatting the "fake news" characterization.

Education: partnering with law schools to hold forums on high-interest or important topics or cases. Short, attention-grabbing videos about courts and court processes. An important reminder for the public is to ask who or what is the source of the information they are getting.

Outreach: Sample letters to the editor or other responses that judges or non-judges can use to respond to disinformation. Judges would benefit from a framework for responding to disinformation, as opposed to opinion or criticism, within ethical guidelines.

Review of canons: Have the judicial canons kept up with the times? Should judges have more options to defend themselves or to respond to disinformation about them and the justice system?

Monitoring: looking for disinformation surrounding judicial elections and retention elections could help recognize trends or campaigns aimed at judges and courts.

The members discussed approaches the Task Force can take in doing its work. Ideas for surveys, polls, defining terminology, and creating workgroups based on topic or expertise were suggested.

An Arizona judge's experience was discussed where the judge appeared to be targeted based on his Mexican heritage. An individual made a public records request for a copy of the judge's registration under the Foreign Agents Registration Act, which would only apply to someone acting as the agent of a foreign government. The circumstances indicated either a disinformation campaign or an attack on the judge's fairness or credibility as a means of creating division.

The members discussed whether courts and judges should claim or maintain some kind of social media, if only to prevent others from claiming their court's or judge's name and posting as if they were the court or person.

3. Review of Administrative Order Nos. 2019-114, 2019-121. The Chair reviewed the language of the Administrative Orders creating the Task Force and that a report of recommendations is expected by October 2020. A member stated that a municipal court judge is interested in joining the Task Force. Another member suggested adding someone from court security to the Task Force – someone with knowledge of how credible threats to courts are received and evaluated. The Chair will follow up on those suggestions.

Motion: A member moved to send the judicial officers one survey question about disinformation to give the Task Force direction on next steps. After discussion, the member withdrew the motion. The discussion was tabled to the next meeting.

4. Approval of Task Force Rules for Conducting Business. The Chair reviewed the rules for conducting Task Force business. The rules require the members' approval.

Motion: A member moved to approve the Rules for Conducting Business. The motion received a second and it passed unanimously. CDTF: 01

5. Roadmap. The members discussed a schedule of Task Force meeting dates through October 2020 when the report is due. The members agreed to meet on November 19, 2019 from 1:00 p.m. – 5:00 p.m.; December 20, 2019 from 10:00 a.m. - 2:00 p.m., and then the third Wednesday of every month from 10:00 a.m. - 2:00 p.m., beginning January 15, 2020. Although each member might not be able to attend every meeting, and some meetings may need adjusting, members were asked to calendar these dates. The next meeting is set for Tuesday, November 19, 2019, beginning at 1:00 p.m. in Room 230 at the State Courts Building.

6. Call to the public. There was no response to the Chair's call to the public.

7. Adjournment. The meeting adjourned at 2:08 p.m.